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Representing the United States of America

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

OMAR QAZI,

Defendant.

Case No.: 2:15-cr-00014-APG-VCF

**GOVERNMENT’S RESPONSE TO
DEFENDANT QAZI’S “MOTION TO
RENEW THE MOTION TO REOPEN
THE REQUEST FOR EVIDENTIARY
HEARING TO SECOND MOTION TO
SUPPRESS-(DKT.# 129) (DKT.# 342)”
[ECF No. 444]**

The United State of America, by and through DAYLE ELIESON, United States Attorney, and ALEXANDRA MICHAEL and PATRICK BURNS, Assistant United States Attorneys, hereby respectfully submits this Government’s Response to “Motion to Renew the Motion to Reopen the Request for Evidentiary Hearing to Second Motion to Suppress-(DKT.# 129) (DKT.# 342)” [ECF No. 444].

POINTS AND AUTHORITIES

I. Relevant Procedural Background

On July 20, 2017, as the three hundred and forty-second (342) docket entry in this one-count firearm possession case, Defendant Omar Qazi (Qazi) filed a document styled,

1 “Motion to Reopen the Request for Evidentiary Hearing to Second Motion to Suppress-
2 (Dkt.# 129).” ECF No. 342. The Government filed its response in opposition to the motion
3 on August 3, 2017. ECF No. 348. Because the Court’s order on Qazi’s motion to suppress
4 was on appeal, the Government’s response asserted the procedural bar of this Court
5 being divested of jurisdiction due to the pending appeal. *Id.* at 3:22-4:5. The Government
6 also opposed the motion on the merits. *Id.* at 4:6-5:15. After receiving Qazi’s reply brief
7 on August 28, 2017, the Court denied the motion in a written order filed on September
8 19, 2017. ECF No. 362. The Court agreed that it was divested of jurisdiction to decide
9 the motion and ordered it denied. *Id.*

10 On June 25, 2018, Qazi filed this motion styled, “Motion to Renew the Motion to
11 Reopen the Request for Evidentiary Hearing to Second Motion to Suppress-(DKT.# 129)
12 (DKT.# 342).” ECF No. 444. He requests that the Court now decide his motion on the
13 merits due to the mandate issuing and revesting this Court with jurisdiction. The
14 Government’s response follows.

15 II. Argument

16 Qazi’s motion for another evidentiary hearing still lacks merit. The Government’s
17 original response in opposition addressed the motion’s substantive lack of merit, and
18 why Qazi has no entitlement whatsoever to yet another evidentiary hearing. *See* ECF
19 No. 348 at 4:6-5:15. The Government reincorporates those points here. Trial is currently
20 scheduled for July 30, 2018, and Qazi has failed to justify risking further delay by
21 convening another evidentiary hearing. The motion should be denied.

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II. Conclusion

WHEREFORE, after consideration of the included facts, points, authorities, exhibits, and arguments, the United States respectfully requests that this Court DENY the Qazi's "Motion to Renew the Motion to Reopen the Request for Evidentiary Hearing to Second Motion to Suppress-(DKT.# 129) (DKT.#342)" [ECF No. 444].

DATED this 5th day of July, 2018.

Respectfully submitted,

DAYLE ELIESON
United States Attorney

//s//

ALEXANDRA MICHAEL
PATRICK BURNS
Assistant United States Attorneys

CERTIFICATE OF SERVICE

I certify that I am an employee of the United States Attorney's Office. A copy of the foregoing **GOVERNMENT'S RESPONSE TO DEFENDANT QAZI'S "MOTION TO RENEW THE MOTION TO REOPEN THE REQUEST FOR EVIDENTIARY HEARING TO SECOND MOTION TO SUPPRESS-(DKT.# 129) (DKT.#342)" [ECF No. 444]** was sent to Defendant Qazi via United States mail addressed to:

Mr. Omar Qazi #49760048
NSDC 2190 East Mesquite Avenue
Pahrump, Nevada, 89060

and on stand-by counsel Telia Williams, Esq., via electronic service by ECF, on July 5, 2018.

DATED this 5th day of July, 2018.

/ s / Patrick Burns

PATRICK BURNS
Assistant United States Attorney